Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The specification has been amended to eliminate some minor obvious errors. A new Abstract has been supplied. No new matter whatsoever has been added.

Enclosed herewith is a PTO-1449 listing the references cited in the International Search Report filed with the original application papers as well as copies of the two non-English references.

The claims have been amended to overcome the §112 problems and to better define the instant invention over the cited art. Some claims, in particular those to unillustrated subject matter, have been canceled. The method claim has been wholly rewritten.

US 965,190 of Snelling does not disclose a sleeper frame. Further he does not disclose preassembled trackway rail beams. The figures of Snelling show two parallel supports A which are connected by tie rods E, F. This is not a rigid sleeper frame as in

the invention. The tie rods E, F do not prevent parallel motion of the supports relative to each other. Tie rod F is connected with the supports A only by one bolt H that cannot prevent motion of the supports A against each other because the bolt H is a pivot. The tie rod E is obviously relative thin and cannot prevent parallel motion of the two supports A relative to each other. This motion is unavoidable if preassembled supports A connected to each other are transported.

Obviously the tie rods E, F are provided to maintain a prescribed distance of the two supports A from each other so that the rails have the prescribed gauge.

Therefore this is not a rigid sleeper frame as described in the amended claims.

Furthermore in the year 1910 such large preassembled concrete elements are not known and could not be fabricated. In 1910 such large concrete elements are molded in situ. Thus a rejection on Snelling alone is impossible.

US 1,116,446 of Lamb shows supporting piles 6 to 10. They rest on base plates 11 that in turn rest on firm foundations. Because of the base plates 11 it is necessary to form trenches as disclosed on page 2, lines 38 to 62.

In the invention no base plates, no foundations and no trenches are necessary. Instead holes are drilled into the grown soil and then the piles are cast in situ in the holes. The

clearance around steel girders 12 (FIG. 8) set in the holes is filled with concrete to form the concrete piles 11 (FIG. 8 and page 8, fourth paragraph and page 9, last paragraph). Thus piles set in grown soil are not shown or suggested by Lamb.

The railway track of US 1,118,251 of Wilson also needs foundations 1 (FIG. 1 and page 1, lines 62 to 70) and 12 (page 1, lines 87 to 97 and FIG. 2). This means that the piles of Wilson are not embedded directly into the grown soil as in the invention. In the invention we do not need any foundation.

Thus the instant invention as defined in the amended claims is novel under §102 and §103. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

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Enclosure: Marked Specification
Clean Specification
Substitute Abstract
Replacement drawing (8 sheets)
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